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Rights of indigenous peoples: Rights of indigenous peoples

Bolivia (Plurinational State of) and Ecuador: draft resolution

Rights of indigenous peoples

The General Assembly,

Recalling all relevant resolutions of the General Assembly, the Human Rights Council and the Economic and Social Council relating to the rights of indigenous peoples, reaffirming its resolutions 65/198 of 21 December 2010, 66/142 of 19 December 2011, 67/153 of 20 December 2012, 68/149 of 18 December 2013, 69/2 of 22 September 2014, 69/159 of 18 December 2014, 70/232 of 23 December 2015, 71/178 of 19 December 2016, 71/321 of 8 September 2017 and 72/155 of 19 December 2017, and recalling Human Rights Council resolutions 27/13 of 25 September 2014,[1] 30/4 of 1 October 2015,[2] 33/12 and 33/13 of 29 September 2016,[3] 36/14 of 28 September 2017,[4] and 39/13 of 28 September 2018,[5]

Reaffirming the United Nations Declaration on the Rights of Indigenous Peoples,[6] which addresses the individual and collective rights of indigenous peoples,

Reaffirming also the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, held in New York on 22 and 23 September 2014,[7] in which Heads of State and Government, ministers and representatives of Member States reiterated the important and continuing role of the United Nations in promoting and protecting the rights of indigenous peoples, recalling the inclusive preparatory process for the high-level plenary meeting, including the comprehensive engagement of the representatives of indigenous peoples, and welcoming and reaffirming the commitments, measures and

[1] See *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 53A* and corrigenda (A/69/53/Add.1, A/69/53/Add.1/Corr.1 and A/69/53/Add.1/Corr.2), chap. IV, sect. A.
[2] Ibid., *Seventieth Session, Supplement No. 53A* (A/70/53/Add.1), chap. III.
[3] Ibid., *Seventy-first Session, Supplement No. 53A* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II.
[4] Ibid., *Seventy-second Session, Supplement No. 53A* (A/72/53/Add.1), chap. III.
[5] Ibid., *Seventy-third Session, Supplement No. 53 A* (A/73/53/Add.1).
[6] Resolution 61/295, annex.
[7] Resolution 69/2.

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efforts undertaken by States, the United Nations system, indigenous peoples and other actors in its implementation,

Encouraging the active engagement of indigenous peoples in the implementation of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, including at the regional and global levels,

Recalling the 2030 Agenda for Sustainable Development,[8] and stressing the need to ensure that no one is left behind and to reach the furthest behind first, including indigenous peoples, who should participate in, contribute to and benefit without discrimination from the implementation of the 2030 Agenda, and encouraging Member States to give due consideration to all the rights of indigenous peoples while implementing the 2030 Agenda,

Bearing in mind that achieving the Sustainable Development Goals is not possible without fulfilling the rights of indigenous peoples, including the rights of access to and use of lands, territories and resources,

Stressing the importance of promoting and pursuing the objectives of the United Nations Declaration on the Rights of Indigenous Peoples also through international cooperation to support national and regional efforts to achieve the ends of the Declaration, including the right to maintain and strengthen the distinct political, legal, economic, social and cultural institutions of indigenous peoples and the right to participate fully, if they so choose, in the political, economic, social and cultural life of the State,

Bearing in mind the commitments of Member States expressed in the Global Compact for Safe, Orderly and Regular Migration, which will be adopted at the Intergovernmental Conference to be held in Morocco on 10 and 11 December 2018, to respond to the needs of migrants who face situations of vulnerability, regardless of their migration status, with necessary support at all stages of migration, including cases related to indigenous peoples,

Taking note with appreciation of the agreed conclusions of the sixty-second session of the Commission on the Status of Women, in which Governments at all levels and as appropriate, with the relevant entities of the United Nations system and international and regional organizations, within their respective mandates, were urged to promote and protect the rights of indigenous women and girls living in rural and remote areas by addressing the multiple and intersecting forms of discrimination and barriers they face, including violence, ensuring access to quality and inclusive education, health care and services, public services, economic resources, including land and natural resources, and women's access to decent work, and by promoting their meaningful participation in the economy and in decision-making processes at all levels and in all areas, including in conflict situations and post-conflict State-building, while respecting and protecting their traditional and ancestral knowledge, and noting the importance for indigenous women and girls of the United Nations Declaration on the Rights of Indigenous Peoples,

Recognizing that violence against indigenous women and girls has a negative impact on their enjoyment of human rights and fundamental freedoms and constitutes a major impediment to women's full, equal and effective participation in society, the economy and political decision-making, and in this regard recalling Human Rights Council resolution 32/19 of 1 July 2016, entitled "Accelerating efforts to eliminate violence against women: preventing and responding to violence against women and

[8] Resolution 70/1.

girls, including indigenous women and girls",[9] which brings closer attention to this issue, and recognizing also the negative effects of multiple and intersecting forms of discrimination,

Stressing the importance of the empowerment and capacity-building of indigenous women and youth, including their full and effective participation in decision-making processes in matters that affect them directly, including policies, programmes and resources, where relevant, that target the well-being of indigenous women, children and youth, in particular in the areas of health, education, employment and the transmission of traditional knowledge, languages and practices, and the importance of taking measures to promote awareness and understanding of their rights,

Welcoming the preparations for the International Year of Indigenous Languages, beginning on 1 January 2019, to draw attention to the critical loss of indigenous languages and the urgent need to preserve, revitalize and promote indigenous languages, including as an educational medium, and to take further urgent steps to that end at the national and international levels,

Welcoming also the progress made for the celebration of the 2019 International Year of Indigenous Languages, including the lead role of the United Nations Educational, Scientific and Cultural Organization in developing an action plan and the establishment of the steering committee for organizing the International Year, in consultation and cooperation with Member States, the Permanent Forum on Indigenous Issues, the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples, as well as indigenous peoples and a range of different stakeholders,

Acknowledging the role of indigenous peoples in contributing to a range of issues on the international agenda,

Recognizing the importance to indigenous peoples of revitalizing, using, developing and transmitting to future generations their histories, languages, oral traditions, philosophies, writing systems and literature,

Expressing concern that, in some cases, suicide rates in indigenous peoples' communities, in particular among indigenous youth and children, are significantly higher than in the general population,

Bearing in mind the importance of promoting respect for the rights of indigenous children, in particular eliminating the worst forms of child labour, in accordance with international law, including relevant human rights law and international labour law obligations,

Recognizing the importance of access to justice in the promotion and protection of the rights of indigenous peoples and individuals and the need to examine and take steps to remove obstacles to justice, especially for indigenous women, indigenous children, youth, older persons and indigenous persons with disabilities,

Underlining the responsibility of transnational corporations and other business enterprises to respect all human rights, applicable laws and international principles[10] and operate transparently and in a socially and environmentally responsible manner, and emphasizing the need to refrain from negatively affecting the well-being of indigenous peoples and to take further action towards corporate responsibility and

[9] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53* (A/71/53), chap. V, sect. A.

[10] Including the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (A/HRC/17/31, annex).

accountability, including the prevention, mitigation and remediation of human rights abuses,

Expressing concern that indigenous leaders and human rights defenders face disproportionately high rates of intimidation and reprisals, including killings, violence and criminalization, as reported by the Special Rapporteur on the situation of human rights defenders,

Recognizing the importance of free, prior and informed consent, as outlined in the United Nations Declaration on the Rights of Indigenous Peoples,

Recognizing also the value and the diversity of the cultures and the form of social organization of indigenous peoples and their holistic traditional knowledge of their lands, natural resources and environment,

Recognizing further the importance of traditional sustainable agricultural practices, including traditional seed supply systems, as well as access to credit and other financial services, markets, secure land tenure, health care and services, social services, education, training, knowledge and appropriate and affordable technologies, including efficient irrigation, the reuse of treated wastewater and water harvesting and storage for indigenous peoples and others living in rural areas,

Recognizing that the economic empowerment, inclusion and development of indigenous peoples, including indigenous women, including through the establishment of indigenous-owned businesses, can enable them to improve their social, cultural, civil and political engagement, achieve greater economic independence and build more sustainable and resilient communities, and noting the contribution of indigenous peoples to the broader economy,

Concerned about the extreme disadvantages that indigenous peoples have typically faced across a range of social and economic indicators and about the impediments to their full enjoyment of their rights,

Stressing the need to pay particular attention to the rights and special needs of indigenous women, children, youth, older persons and persons with disabilities, as set out in the United Nations Declaration on the Rights of Indigenous Peoples, including in the process of protecting and promoting their access to justice,

Welcoming resolution 72/128 of 7 December 2017, entitled "Observer status for the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean in the General Assembly", in which the General Assembly decided to invite the Fund to participate in the sessions and the work of the Assembly in the capacity of observer,

1. *Notes with appreciation* the work of the Expert Mechanism on the Rights of Indigenous Peoples, the Permanent Forum on Indigenous Issues and the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples, takes note of the report of the Special Rapporteur,[11] and encourages all Governments to respond favourably to their requests for visits;

2. *Urges* Governments and the United Nations system, in consultation and cooperation with indigenous peoples through their representatives and institutions, to continue to implement, when appropriate, measures at the national level, including legislative, policy and administrative measures, to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples[5] and to promote awareness of it among all sectors of society, including members of legislatures, the judiciary and the civil service, as well as among indigenous peoples, and invites international and regional organizations, within their respective mandates, national human rights

[11] A/72/186.

institutions, where they exist, civil society, including non-governmental organizations, and other relevant actors to contribute to those efforts;

3. *Underscores* the importance of implementing the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,* and reiterates the commitment of Member States to cooperating with indigenous peoples, through their own representative institutions, to develop and implement national action plans, strategies or other measures, where relevant, to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples;

4. *Encourages* the leadership of the Secretary-General and of the Under-Secretary-General for Economic and Social Affairs, as the responsible senior official of the United Nations system, in overseeing the implementation of and following up on the system-wide action plan to ensure a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, raising awareness of the rights of indigenous peoples and increasing the coherence of the activities of the system in this regard, and encourages the funds, programmes and specialized agencies of the United Nations system, resident coordinators and United Nations country teams to implement this plan in full alignment with national development needs and priorities;

5. *Invites* the Secretary-General to appoint a special envoy or special adviser on indigenous peoples to raise awareness on and promote the rights of indigenous peoples and to provide support in the follow-up to the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples and other processes on issues affecting indigenous peoples at the United Nations, in cooperation with the Member States and indigenous peoples and with support from the United Nations system;

6. *Encourages* Member States, resident coordinators and United Nations country teams, within their mandates and in coordination with the Governments concerned, to involve indigenous peoples regarding issues affecting them in the preparation of the United Nations Development Assistance Frameworks and country programme action plans;

7. *Encourages* Member States to work towards achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples;

8. *Encourages* those States that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization[12] to consider doing so;

9. *Urges* Governments and intergovernmental and non-governmental organizations to continue to contribute to the Trust Fund on Indigenous Issues, the United Nations Voluntary Fund for Indigenous Peoples and the United Nations Indigenous Peoples' Partnership, invites indigenous organizations and private institutions and individuals to do likewise, and notes the importance of accessibility, accountability, transparency and balanced geographical distribution in the management of these funds;

10. *Decides* to continue to observe the International Day of Indigenous Peoples every year on 9 August, and requests the Secretary-General to support the observance of the Day from within existing resources;

11. *Encourages* Member States and all organizations and bodies of the United Nations system and other international and regional organizations, the private sector

[12] United Nations, *Treaty Series*, vol. 1650, No. 28383.

and academia, as well as civil society, including non-governmental organizations, to observe the International Day of Indigenous Peoples in an appropriate manner, including through educational and public awareness-raising activities;

12. *Encourages* Member States to give due consideration to all the rights of indigenous peoples in fulfilling the commitments undertaken in the 2030 Agenda for Sustainable Development[7] and in the elaboration of national programmes;

13. *Encourages* States to consider including in their voluntary national reviews for the high-level political forum on sustainable development and their national and global reports information related to indigenous peoples on the progress made and challenges in the implementation of the 2030 Agenda, bearing in mind paragraphs 78 and 79 of the 2030 Agenda, and to collect and disseminate disaggregated data not only by ethnicity but also by income, gender, age, race, migratory status, disability, geographic location and other characteristics relevant in national contexts, in order to monitor and improve the impact of development policies and programmes for the well-being of indigenous peoples and to combat and eliminate violence and multiple and intersecting forms of discrimination against indigenous peoples;

14. *Urges* States, in collaboration with indigenous peoples, to adapt and implement Sustainable Development Goals targets and indicators, in particular those related to access to land and ownership and control thereof, including recognition and respect for customary land tenure and rights of indigenous peoples;

15. *Encourages* the Secretary-General to include information pertinent to indigenous peoples in the forthcoming annual reports on progress towards the Sustainable Development Goals;

16. *Stresses* the need to strengthen the commitment of States and the entities of the United Nations system to mainstream the promotion and protection of the rights of indigenous peoples into development policies and programmes at the national, regional and international levels, and encourages them to give due consideration to the rights of indigenous peoples in achieving the goals of the 2030 Agenda;

17. *Also stresses* the need for indigenous peoples, including women, of all regions to contribute to the high-level political forum on sustainable development, and encourages States to engage with indigenous peoples, including women's organizations, at the local, national and regional levels in relation to the Sustainable Development Goals;

18. *Invites* the Expert Mechanism on the Rights of Indigenous Peoples, the Permanent Forum on Indigenous Issues and the Special Rapporteur on the rights of indigenous peoples to give due consideration, within their mandates, to the rights of indigenous peoples as related to the implementation of the 2030 Agenda;

19. *Encourages* the Permanent Forum on Indigenous Issues to continue to provide inputs on indigenous issues to the high-level political forum on sustainable development for consideration in its thematic reviews;

20. *Encourages* States to address the needs of migrants who face situations of vulnerability by assisting them and protecting their human rights, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples and obligations under international law;

21. *Underlines* the need to intensify efforts, in cooperation with indigenous peoples, to prevent and eliminate all forms of violence and discrimination against indigenous women, children, youth, older persons and persons with disabilities and to support measures that will ensure their empowerment and full and effective participation in decision-making processes at all levels and in all areas, including in

times of conflict and in post-conflict State-building, and eliminate structural and legal barriers to their full, equal and effective participation in political, economic, social and cultural life;

22. *Reaffirms* the importance of effective accountability with regard to violence against indigenous women and girls, including sexual violence, abuse and exploitation, and of taking adequate measures to prevent and eliminate such violence;

23. *Invites* the Commission on the Status of Women to organize a high-level interactive dialogue on the rights of indigenous women, to coincide with the twenty-fifth anniversary of the Fourth World Conference on Women, in 2020, to review progress made towards achieving the Sustainable Development Goals with a focus on linkages with the United Nations Declaration on the Rights of Indigenous Peoples, and encourages States, in cooperation with indigenous peoples and with the support of the United Nations system, to conduct preparatory processes for the dialogue, with the full and effective participation of indigenous women of all ages;

24. *Requests* agencies, funds and programmes of the United Nations system, in collaboration with indigenous peoples' organizations, to monitor the high levels of violence, intimidation, harassment and threats directed at indigenous human rights defenders, especially indigenous women rights defenders;

25. *Encourages* States to consider including in their reports related to indigenous peoples and women information on the progress made and challenges in the implementation of Commission on the Status of Women resolutions 49/7 of 11 March 2005, entitled "Indigenous women: beyond the ten-year review of the Beijing Declaration and Platform for Action",[13] and 56/4 of 9 March 2012, entitled "Indigenous women: key actors in poverty and hunger eradication";[14]

26. *Encourages* Member States to implement the action plan for the 2019 International Year of Indigenous Languages in partnership with indigenous peoples, including the establishment of national mechanisms with adequate funding for the successful implementation of the plan, and invites indigenous peoples, as the rightful owners and custodians of their own languages, to initiate and develop their own action plans and appropriate measures for the International Year and awareness-raising campaigns to draw attention to the situation of indigenous languages;

27. *Invites* the United Nations Educational, Scientific and Cultural Organization, in active collaboration with other relevant United Nations entities, to organize, as a major event of the 2019 International Year of Indigenous Languages, a high-level event on indigenous languages, which would result in the adoption of an outcome document on the International Year and which would be preceded by regional events, with the participation of indigenous peoples, and encourages Member States to support their organization;

28. *Decides* to convene a high-level event during 2019, organized by the President of the General Assembly, with the aim of endorsing the outcome document of the International Year of Indigenous Languages, and further requests the President of the General Assembly to support initiatives relevant to the successful celebration of the International Year;

29. *Invites* UNESCO to report on activities carried out during the 2019 International Year of Indigenous Languages and subsequent impacts and follow-up activities after 2019, at its seventy-fifth session;

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[13] See *Official Records of the Economic and Social Council, 2005, Supplement No. 7* and corrigendum (E/2005/27 and E/2005/27/Corr.1), chap. I, sect. D.

[14] Ibid., *2012, Supplement No. 7* and corrigendum (E/2012/27 and E/2012/27/Corr.1), chap. I, sect. D.

30. *Encourages* Governments to redouble efforts to eliminate the worst forms of child labour, both in legislation and in practice, in the context of respect for the human rights of indigenous children, including through international cooperation, as appropriate;

31. *Also encourages* Governments to promote actions to eliminate child malnutrition for the indigenous peoples, especially for those living in rural areas, providing them adequate food, water and sanitation, education, health and basic services, and to implement actions for poverty eradication;

32. *Encourages* transnational corporations and other business enterprises to respect the rights of indigenous peoples throughout their operations, including the rights of indigenous children, and to eliminate the worst forms of child labour from their operations;

33. *Underscores* the need to ensure equal protection of the law and equality before the courts for indigenous women and girls at all levels and, to that end, the importance of providing systematic gender-sensitivity training, as appropriate, for police and security forces, prosecutors, judges and lawyers, integrating gender considerations into security sector reform initiatives, developing protocols and guidelines and enhancing or putting in place appropriate accountability measures for adjudicators;

34. *Encourages* States and entities of the United Nations system to strengthen international cooperation, including to address the disadvantages faced by indigenous peoples, and to increase technical cooperation and financial assistance in this regard;

35. *Encourages* the World Health Organization, the United Nations Children's Fund and other relevant United Nations agencies, funds and programmes, in accordance with their mandates, to carry out research and evidence-gathering on the prevalence and root causes of suicide among indigenous youth and children and good practices on its prevention and to consider developing, as appropriate, strategies or policies, consistent with national priorities, in cooperation with Member States, to tackle it, including through consultation with indigenous peoples, in particular indigenous youth organizations;

36. *Takes note with appreciation* of the work led by the Presidents of the General Assembly at its seventieth and seventy-first sessions in conducting consultations with Member States, indigenous peoples' representatives and institutions from all regions of the world and existing mechanisms of the United Nations on possible measures to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, which led to the adoption of Assembly resolution 71/321 and its decision to continue its consideration of possible further measures necessary to enhance the participation of indigenous peoples' representatives and institutions in relevant United Nations meetings on issues affecting them at its seventy-fifth session, taking into account the achievements in that regard of other bodies and organizations throughout the United Nations system, to be preceded by consultations with indigenous peoples' representatives and institutions from all regions of the world as an input to the intergovernmental process;

37. *Invites* Member States, with the support of relevant agencies and entities of the United Nations system and the participation of indigenous peoples, to hold regional consultations, including through the regional commissions, as appropriate, before the nineteenth session of the Permanent Forum on Indigenous Issues, on possible measures to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting

them, and to provide inputs in that regard for the report of the Secretary-General to be submitted to the General Assembly at its seventy-fourth session;

38. *Encourages* Member States, the Secretary-General and the United Nations system to strengthen cooperation with the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, considering its fundamental role in regional processes of dialogue and consultation between States and indigenous peoples;

39. *Decides* to continue its consideration of the question at its seventy-fourth session, under the item entitled "Rights of indigenous peoples", and to maintain in the provisional agenda the sub-item entitled "Follow-up to the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples".